

SEP 23 2020  
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MINNEAPOLIS, MINNESOTA

United States District Court, District of Minnesota

**Notice of Appeal to the Eighth Circuit Court of Appeals, from a final decision of the District Court, civil case.**

Case Name:

Mehralian v. Parkland Estates Homeowner Association et al

Case Number:

0:20-cv-00855-NEB-HB

Document #: 39

The above Plaintiff hereby Appeals the Entry of Judgment dated: 8-24, 2020 By The Court: Honorable United States district judge, S/Nancy E. Brasel.

**LACK of AUTHORITY?**

**NONLAWYER REP?**

1- Pro Se Plaintiff as the only individual Estate holder of his deceased wife, Ms. Jill MCGRAND-MEHRALIAN, According to the legally executed will, Testamentary, signed and notarized, and presented to the probate court which in turn ordered, assigning him as the personal representative of the state of his wife which would be Theirs only. Which then cured the authority in representation. This issue is singularly in litigation by Plaintiff, without any third parties interests involved. However The Court directed by defense is portraying falsely that others are legally being represented here by Plaintiff.. The defendants generate arbitrary obstacles, violating due process/equal access, preventing The Plaintiff from continuing a Meritorious Jury Trial at all costs to the plaintiff?

**"HIS WIFE's ESTATES"?**

2- "The estate of his wife", raised by the Judge, Is exclusively briefed in fact, It begins and ends with the homesteaded, located at 8971 Partridge Rd. St. Bonifacius MN 55357. It is presently besieged by Defendants, and in retaliatory sheriff's auction foreclosure sale by them.

**Res Judicata?**

This matter has not been adjudicated previously. The parties and the nature of the action before the court are new.

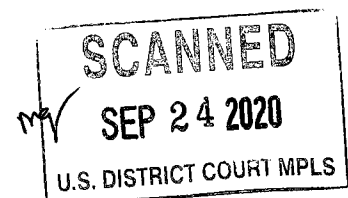
3- As predatory litigants, The team of fraudulent Defendants nonprofit, and profit Registered entities in collusion have done, are doing, and will continue doing(?) any/all exhaustive Frivolous maneuvering to stop a meritorious action from it's just conclusion.

4- The Defendants (in pursuit of tirng Plaintiff) hoping to extinguish the federal Court action without merits.

5- Any/all previous cases (against HOA only), do not include the Defendants in the Federal lawsuit in terms of the institutional comprehensive collusion and conspiracy to deprive the plaintiff of due process and Constitutional protections as Disabled (vulnerable individuals) HOA members.

6- The deceased in wheelchair handicaped Plaintiff, and the disabled still living Plaintiff daring to ask for a ramp to be authorized to access their Unit on wheels, have faced a united denial of their rights by the Defendants to avoid exposure.

7- The Judge, instead of removing herself according to the 2 motions filed,"to remove", has removed the Plaintiff instead.



RECEIVED

#### ADA Whistleblowers

8- As the Elderly team, whistleblowers, and members The Plaintiffs learned that the HOA's bylaws, "have No such Provisions," have been trying to access the courts to compelling the HOA to respect ADA law, but facing Discriminatory maneuvers violating Due Process to prevent them to proceed on merits v technicality.

#### MOTION TO REMOVE IGNORED?

9- First time Motion to remove denied by the Judge is historically supported? The H. Judge instead of removing Herself has removed the plaintiff In retaliation? (citations are below to help). As follows:

MOTION to REMOVE The factual contentions have evidentiary support would likely have evidentiary support Fed. R. CIV. P. 11(b)(1)-(3)

#### ACCESS DENIED

10- The Plaintiffs, to face Blocking "Access" to due process? It was first done by Defendants, It is now being repeated by the court? Based on "ECF, Electronic Case Filing Rules"?

#### "RIGHT TO RELIEF"?

11- The judge's mention of Defendants' ECFs from "No.1 to No.36" in the first half page of Her "order on the defendants motion to dismiss and declare plaintiff a frivolous litigant" reveals irregularities?

#### NO CONSIDERATION

12- Was the Judge pre-occupied?, "I didn't see a motion to remove", The H. Judge argued at the phone hearing. Are The Plaintiff's Case/Motions ignored? Has the Judge over embraced the Defendants' side in discrimination? Does The Judge have no respect for "Ali" ,the obviously Shiah Moslem name? Instead of granting motion To remove, it is the Plaintiff to be removed?

#### RES JUDICATA? Separate/distinct, suit in litigation?

13- There has not been a Judgement on the merits as claimed by the Defendants.. Also Defendants are different names. Two separate litigation is in comparison here. Different set of facts raised against some licensed/registered professional, who conspired (Nonprofit and profit), mingling to defraud.

#### Unknown fresh claim

14- Plaintiff's allegations presented here weren't, couldn't have been in existence. It's The orchestrated act of conspiracy, in fact, by Defendants at issue. It's their committed perjury, omissions of obligation, mandated duties under state and federal law to report, recognize and perform, established only after and upon a Detailed investigated set of facts, behavior, and violations here that each one knew (now we know) chose to jointly/ severally violate laws?

#### Relationships?

#### Power of Attorney V. Personal representative

#### The plaintiffs, "are persons in privity"- "the team", and their claim jointly and severally is inseparable?

15- Plaintiff's Relationships and Nature of their connection at issue is of procedural significance here? And the right to fully Litigate by Plaintiffs on their own is curtailed?  
Is there unfairly precluded influences by professional litigators/Defendants and the Judge, Introducing false narrative, ignoring the plaintiff's marriage, and conspiracy to remove the Plaintiff instead of the judge?  
The Plaintiffs, Married, disabled, and without professional legal representation have carried a complicated state and federal lawsuit, respectfully, and by very legal means. One victim is dead in humiliation, deprived , and has empowered the remaining victim to carry on, exposing defendants' violence for compensation & remuneration of the sufferance that both endured together.

**Judge's Discrimination?**

16- The issue here is of disrespect against plaintiffs as a team, without recognition and consideration of law? And the exact totally opposite narrative for The Defendants by Court solidifies the removal legitimacy motion by the plaintiffs

The Plaintiffs are Nonprofessionals and without all mandated report/response that licensed defendants are obligated under?

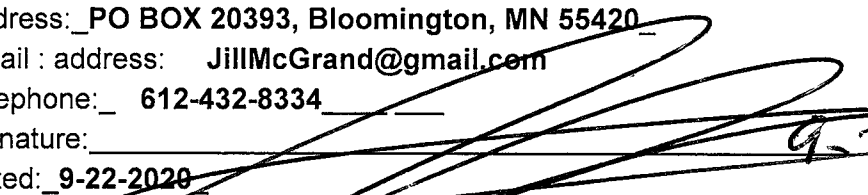
Does The Judge embrace the defendants' time and theory here, (ECF NO. 1-36), and applies a double standard? Has her Honor adopted the Defendants' narrative and arbitrarily dumped The Plaintiff's.?

Plaintiffs, Disabled members of HOA. are facing homelessness for standing up to be recognized. It is The USA, Constitutional rights, Race, Contract, ADA, Equal protection, and Racketeering, hinged by defendants profit motive, and Non Profit HOA. strategies that are alleged here? (4/7/20, 11:20am)

**MOVE TO APPEAL**

The discriminatory ruling is here by, with all due respect, is appealed. 28 U.S.C. § 144. SSq- Is Honorable Judge, Nancy E. Besel, the United States District Judge **Racist and Prejudiced?** Ignoring "motion to remove". Her Honor insisted on staying in place, even arguing the motion to remove by plaintiff, "the motion does not reference any judge at all", Her Honor said (name of judge missing, it was missed by mistake). And "presumed to be" ?28 USC s 455(a)-(ECF Nos 35, 36.)? **"63.03 Notice to Remove"**:

Any party or attorney may make and serve on the opposing party and file with the administrator a notice to remove. The discriminatory ruling is here by, with all due respect, appealed.

Name of party appealing: Ali Mehralian/ PR. (Widower)  
 Address: PO BOX 20393, Bloomington, MN 55420  
 Email : address: JillMcGrand@gmail.com  
 Telephone: 612-432-8334  
 Signature:   
 Dated: 9-22-2020

**The Appeal is based on many aspects of Law (Quoted, varied) below?**

Please Referenced below for the Court's Convenience, to review Statutes, Case laws, Related Reports listed

**A-**

A Look At The Extrajudicial Source Doctrine Under 28 USC 455

TA Citera - J. Crim. L. & Criminology, 1994 - HeinOnline

... 23 28 USC § 144 (1982). Subsection (a) of § 455 requires an appearance of bias standard: a judge is to recuse himself in cases in which "his impartiality might reasonably be questioned." 28 USC § 455 (1988) ... 28 USC § 144 (1982) ... 27 See Bloom, supra note 19, at 674-75 ...

Cited by 4 Related articles

**B-**

[PDF] [heinonline.org](http://heinonline.org) Disqualification of Federal Judges for Bias Under 28 USC Section 144 and Revised Section 455 EM Martin - Fordham L. Rev., 1976 - HeinOnline

... 1929). 27. Wilkes v. United States, 80 F.2d 285, 289 (9th Cir. 1935); Morse v. Lewis, 54 F.2d 1027, 1032 (4th Cir.), cert ... 42.

Disqualification of Judges, supra note 38, at 741-42; Comment, Disqualification for Interest of Lower Federal Court Judges: 28 USC § 455, 71 Mich. L. Rev ...

Cited by 14 Related articles

**C-**

Liteky v. United States: The Entrenchment of an Extrajudicial Source Factor in the Recusal of Federal Judges under 28 USC 455 (a) ... SP

Flaherty - N. Ill. UL Rev., 1994 - HeinOnline

... B. THE 1974 AMENDMENTS AND THE CREATION OF 28 USC § 455(a) In modifying § 455, Congress borrowed from the language of Canon 3C of the American Bar Association's Code of Judicial Conduct.<sup>31</sup> An 26. Id. 27. Id.; HR REP. No. 1453, 93d Cong., 2d Sess ...Cited by 5 Related articles

**D-**

Questioning the impartiality of judges: Disqualifying federal district court judges under 28 USC 455 (a)

SB Hoekema - Temp. LQ, 1987 - HeinOnline

... 1975), cert. denied, 425 US 944 (1976). 26. Act of Dec. 5, 1974, Pub. L. No. 93-512, § 1, 88 Stat. 1609 (codified as amended at 28 USC§ 455 (1982)). 27. Senate Hearing, supra note 2, at 74 (statement of Senator Burdick); House Report, supra note 4, at 6355 ...Cited by 35 Related arti

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[PDF] [heinonline.org](https://heinonline.org) Questioning the impartiality of judges: Disqualifying federal district court judges under 28 USC 455 (a) SB Hoekema - Temp. LQ, 1987 - HeinOnline

... against convicted wrongdo- ers." Id. at 417. 48. S. 1553, 92d Cong., 1st Sess. (1971), reproduced in Senate Hearing, supra note 2, at 3. 49. 28 USC § 455(b)(1). 50. Senate Hearing, supra note 2, at 85. As the chairman of the ...

Cited by 35 Related articles

[PDF] [heinonline.org](https://heinonline.org)

Disqualifying Federal Judges for Bias: A Consideration of the Extrajudicial Bias Limitation for Disqualification under 28 USC 455 (a)

CR Carton - Seton Hall L. Rev., 1993 - HeinOnline

Page 1. Disqualifying Federal Judges for Bias: A Consideration of the Extrajudicial Bias Limitation for Disqualification Under 28 USC § 455(a) ... 3 28 USC § 455(1988). Section 455 of the United States Code, the general judicial disqualification provision, was amended in 1974 ...

Cited by 14 Related articles

[PDF] [heinonline.org](https://heinonline.org)

Duck Hunting, Deliberating, and Disqualification: Cheney v. US District Court and the Flaws of 28 USC Sec. 455 (A) D Feldman - BU Pub. Int. LJ, 2005 - HeinOnline

... [Vol. 15 Page 9. DUCK HUNTING he should disqualify himself .... 5 0 Even those who opposed the statute endorsed the concept that an objective standard should be established for judicial recusal."1 B. Interpretation of 28USC 455(a)'s Objective Standard ...

Cited by 10 Related articles

[PDF] [heinonline.org](https://heinonline.org)

The Illegitimacy of the Extra Judicial Source Requirement for Judicial Disqualification under 28 USC 445 (a)

AJ Safer - Cardozo L. Rev., 1993 - HeinOnline

... 28 USC § 455 (1988 & Supp. 11 1990). 43 HR REP. No. 1453, 93d Cong., 2d Sess. 5 (1974), reprinted in 1974 USCCAN 6351, 6355 (The general standard of § 455(a) "is designed to promote public confidence in the impartiality of the judicial process."); S. REP. No ...

Cited by 14 Related articles

[PDF] [heinonline.org](https://heinonline.org)

Liteky v. United States: The Entrenchment of an Extrajudicial Source Factor in the Recusal of Federal Judges under 28 USC 455 (a)

SP Flaherty - N. Ill. UL Rev., 1994 - HeinOnline

... 6. 28 USC § 455(a) (1988), reprinted, infra note 29 ... Corp., 486 US 847, 859 n.8 (1988) (stating that § 455(a) is catchall provision in that it encompasses a larger number of grounds for disqualification than do the other subsections of § 455.). 8. Liteky v. United States, 114 S. Ct ...

Cited by 5 Related articles

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A Look At The Extrajudicial Source Doctrine Under 28 USC 455

TA Citera - J. Crim. L. & Criminology, 1994 - HeinOnline

... 12 HR Rm'. No. 1453 at 5; S. REP. No. 419 at 5. 13 Id. 14 28 USC § 455(a) (1988). 19951 ... 49 Section 1361 prohibits "willfully injur[ing] ... any property of the United States." 18 USC § 1361 (1983). 50 Liteky, 114 S. Ct. at 1150. 51 28 USC § 455(a) (1988). 52 Litey, 114 S. Ct. ...

Cited by 4 Related articles

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Disqualification of Federal Judges for Bias Under 28 USC Section 144 and Revised Section 455

EM Martin - Fordham L. Rev., 1976 - HeinOnline

... L, No. 93-512, § 1, 88 Stat. 1609, amending 28 USC § 455 (1970) (codified at 28 USC § 455 (Supp. IV, 1974)). 61. House Report, supra note 41, at 5; Senate Report, supra note 41, at 5. 62. 28 USC § 455(b)(1) (Supp. IV, 1974). 63. Id. § 455(b)(2). 64. Id. § 455(b)(S)(i-iv) ...

Cited by 14 Related articles

[PDF] [heinonline.org](#)

Disqualification of Federal Judges under 28 USC 455 (a): Some Observations on and Objections to an Attempt by the United States Department of Justice to Disqualify ...

J Garn, LC Oliphant - Harv. JL & Pub. Pol'y, 1981 - HeinOnline

... 3 The motion for disqualification was based on three separate clauses of 28 USC § 455: that the ... has demonstrated that disqualification is mandatory because the judge's brother "[f]s known by ... If one reads § 455(b) as defining "personal bias" then the Department's state- ment is ...

Cited by 11 Related articles

[PDF] [heinonline.org](#)

Judicial Disqualification in the Federal Courts: Maintaining an Appearance of Justice under 28 USC 455

SE Barton - U. Ill. LF, 1978 - HeinOnline

... may later pass upon the same case on appeal), 28 USC§ 144 (1970) (reproduced in note 13 supra), and 28 USC § 455 (1970) (reproduced in ... Awareness of the existence of § 455 was probably limited until the Senate's rejection of Clement J. Haynsworth, Jr.'s nomina- tion ...

Cited by 5 Related articles

[PDF] [heinonline.org](#)

Taking stock: The need to amend 28 USC 455 to achieve clarity and sensibility in disqualification rules for judges' financial holdings

Z Hochbaum - Fordham L. Rev., 2002 - HeinOnline

... 22. See Harold S. Levy, Judicial Recusals, 2 Pace L. Rev ... Contrary to the committee report's language, strict application of [28 USC § 455] means that a judge or his family is definitely not free to invest in any of the so- called "blue chip" securities that are traditionally considered ...

Cited by 8 Related articles

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63.03...28 U.S.C. § 144. Similarly, the United ... 46 The without-cause of a Rule 63.03 notice

PDF

Web results

OCC, LLC v Henn Co 03-23-18.pdf

OCC's notice to remove Judge Turner was filed under Rule 63.03, Minn. R. Civ. P., which ... 28 U.S.C. § 144.

Similarly, the United ... 46 The without-cause of a Rule 63.03 notice to remove is clear from the text of the rule: "After ... prejudice.

[MNCourts.gov](#) › media › 200...PDF

Final Report - Minnesota Judicial Branch

Oct 6, 2000 · Rule 63.03 Notice to Remove. 99 ... 42 U.S.C. § 666(a)(13), (c)(2)(A); 42 U.S.C. § 405(c)(2)(C)(viii)), this new rule requires that.

<https://books.google.com> › books

Motion Practice

David F. Herr, Roger S. Haydock, Jeffrey W. Stempel · 2017 · Motions (Law)

Under 28 U.S.C. § 144, a party may disqualify a district judge by filing an affidavit stating facts from which actual ... P.

63.03 (notice of removal may ...

[MNCourts.gov](http://MNCourts.gov) › media › 2000-10-...

Final Report - Minnesota Judicial Branch

Oct 6, 2000 · under 28 U.S.C. § 1407. Although this rule is not as complex ... Rule 63.03 Notice to Remove. 8. Any party or attorney may make ...

Justia › law › cases › supreme-court

Madsen v. Prudential Fed. Sav. & Loan :: 1988 :: Utah Supreme Court ...

And so I think I make it very clear in one of those collective kinds of ... interest" as defined [by the Code of Judicial Conduct and 28 U.S.C. § 455].

<https://taxadmin.memberclicks.net> › ...

State Tax Highlights - Federation of Tax Administrators

The court held that it is plain that the Rule 63.03 notice procedure would defeat the tax court's ... The taxpayer cited that 26 U.S.C. § 6321 and 26 U.S.C. § 6325 confirmed that when a certificate of ...

[www.laborlawattorneys.com](http://www.laborlawattorneys.com) › states

Labor Law Attorneys

Disability or Disqualification of Judge; Notice to Remove; Assignment of a Judge 63.01 Disability of Judge 63.02

Interest or Bias 63.03 Notice to ...

[sioboltdistist.gotdns.ch](http://sioboltdistist.gotdns.ch) › ...

Download The Code Of Procedure\, As Amended July 10\, 1851

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted ... [ USC02] CRIMES AND CRIMINAL PROCEDURE Rule 63.03 - Notice to Remove, ...

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The project will remove the Pachappa shoofly activities and construct the retaining wall, drainage, and track ... and the U.S. False ClaimsAct (31 USC § 3729 et seq.) ... 6 Section 63.03. Notice of Redemption; Purchase In Lieu of Redemption .

[www.18wheeleraccidentlawyer.co](http://www.18wheeleraccidentlawyer.co) › ...

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United States Code. Title 28 Judiciary and ... II Rules for Multicircuit Petitions for Review Under 28 U.S.C.2112(a)(3).

Rule 25.1 ... Rule 63.03 Notice to Remove.

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28USC § 144,

Liteky v. United States

510 US 540, 114 S. Ct. 1147, 127 L. Ed. 2d 474 - Supreme Court, 1994 - Google Scholar

... In its current form, codified at 28 USC § 144, that provision reads as follows ... Respondents in Grinnell alleged that the trial judge had a personal bias against them, and sought his disqualification and a new trial under 28 USC § 144 ...

Cited by 6141 How cited

United States v. Grinnell Corp.

384 US 563, 86 S. Ct. 1698, 16 L. Ed. 2d 778 - Supreme Court, 1966 - Google Scholar

... Judge can properly take into account on remand. [11] This provision, too, gained pretrial acceptance. See n. 10, supra. [12] 28 USC § 144(1964 ed.) provides in relevant part: "Whenever a party to any proceeding in a district ...



Cited by 6243 How cited United States v. Sibla

624 F. 2d 864 - Court of Appeals, 9th Circuit, 1980 - Google Scholar

... [1]. Alleging that the judge's remarks demonstrated prejudice, Sibla filed a motion and accompanying affidavit pursuant to 28 USC § 144, requesting the judge to recuse himself ... We note that the district judge properly rejected Sibla's request for recusal pursuant to 28 USC § ...

Cited by 391 How cited United States v. Studley

783 F. 2d 934 - Court of Appeals, 9th Circuit, 1986 - Google Scholar

... See 28 USC § 144; cf. United States v. Hurd, 549 F.2d 118, 119 (9th Cir.1977) (per curiam) (motion filed on fifth day of trial "much too late") ... See 28 USC § 144 (party must file timely affidavit setting forth facts and reasons for the belief that bias or prejudice exists) ...

Cited by 702 How cited Berger v. United States

255 US 22, 41 S. Ct. 230, 65 L. Ed. 481 - Supreme Court, 1921 - Google Scholar

... The motion was denied and upon the trial defendants were convicted and each sentenced to twenty years' imprisonment. From the judgment and sentence they took 28 the case to the United States Circuit Court of Appeals for the Seventh Circuit ...

Cited by 1192 How cited Yagman v. Republic Ins.

987 F. 2d 622 - Court of Appeals, 9th Circuit, 1993 - Google Scholar

... at 319. Yagman appeals the sanction order as well. II. RECUSAL. Yagman seeks recusal of Judge Real under 28USC §§ 144 and 455. Section 144 provides a procedure for a party to recuse a judge. Section 455 imposes an affirmative duty upon judges to recuse themselves ...

Cited by 375 How cited

US v. Hernandez

109 F. 3d 1450 - Court of Appeals, 9th Circuit, 1997 - Google Scholar

... IV. A. Recusal Motion. Hernandez contends that the district judge erred in failing to recuse herself under 28USC § 144 [3] and 28 USC § 455 ... 28 USC § 144. [4] Any ... judge ... shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned ...

Cited by 292 How cited Pesnell v. Arsenault

543 F. 3d 1038 - Court of Appeals, 9th Circuit, 2008 - Google Scholar

... Under 28 USC § 144, if "the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, ... [he] shall proceed no further...." Under 28 USC § 455(a), "[a]ny ... judge ...

Cited by 226 How cited Davis v. Board of School Com'rs of Mobile County

517 F. 2d 1044 - Court of Appeals, 5th Circuit, 1975 - Google Scholar

... I am a plaintiff-intervenor in the above-styled cause and am filing this Affidavit pursuant to 28 USC § 144 to request that the Honorable W. Brevard Hand disqualify himself from presiding over any and all proceedings in this action on the grounds that he has a personal bias or ...

Cited by 384 How cited United States v. Balistreri

779 F. 2d 1191 - Court of Appeals, 7th Circuit, 1985 - Google Scholar

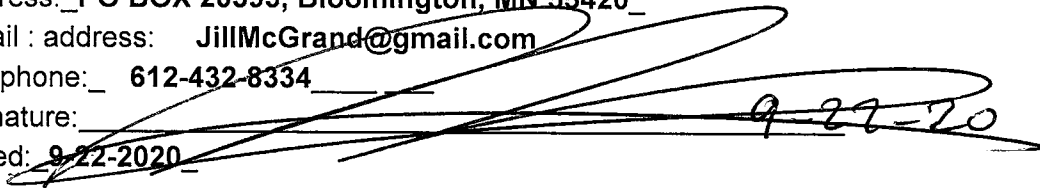
... 3. Section 144. Section 144 of the Judicial Code, 28USC § 144, requires a judge to recuse himself if a party files a timely and sufficient affidavit that the judge has "apersonal bias or prejudice" against him. [4 ... 28 USC § 144. Courts ...

Name of party appealing: Ali Mehralian/ PR. (Widower)

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Signature: 

Dated: 9-22-2020